

Application No.: 09/851,367  
Atty. Dkt.: ZL327-01008  
Page 12 of 19

### REMARKS

Reconsideration of the pending application is respectfully requested. Claims 1-15 and 21-38 remain pending in the present application.

Initially it is noted that the Examiner has rejected the claims included herewith for the recessed emergency light unit based upon the emergency flashlight of Nicholl (U.S. Patent No. 4,177,500), the track lighting system of Usher (U.S. Patent No. 6,170,967), the luminaire louver of Compton (U.S. Patent No. 4,231,080), the recessed light fixture of Gromotka (U.S. Patent No. 6,164,802) and the honeycombed fixtures of Enaka (U.S. Patent No. 4,614,996). However, it is apparent upon review of the cited references that none of the references relied upon by the Examiner disclose a fully recessed emergency lighting system as is presently claimed and is shown in the drawings and the corresponding specification.

Specifically, the emergency flashlight of Nicholl is merely a plug-in flashlight apparatus having a connected battery. The track lighting system of Usher merely discloses a track light with miniature lamps. The luminaire and louver of Compton discloses a stacked reflector on a standard luminaire. The recess light fixture of Gromotka discloses a standard recessed light fixture and trim plate. Finally, the honeycombed fixture of Enaka is a three dimensional outwardly extending honeycombed structure which hangs from a ceiling.

None of the references alone or in combination cited by the Examiner and relied upon in the rejection of the claims teach a recessed emergency lighting system set forth in the claims. Particularly none of the references suggests or even remotely disclose alone or in combination an emergency lighting system which is mounted in a recess fashion behind a ceiling or wall and which has a cover fitting over a housing forming an interior space within which is placed a

Application No.: 09/851,367  
Atty. Dkt.: ZL327-01008  
Page 13 of 19

battery and charging circuitry, the cover having a reflector assembly rotatable thereon with directional lamps. None of the references disclose a cover which has openings for receiving the reflector assembly as is claimed including directional lamp and reflectorized bowl wherein the recessed emergency light system is recessed behind a flat plane or surface due to the mating of the housing and cover thereby hiding the entirety of the contents of the housing and the housing itself.

This is particularly evident in the discussion of Claim 21, for example, wherein the Examiner has stated that the Nicholl reference discloses a cover for mounting over a wall opening. As is clearly apparent, the plug in light of Nicholl merely has plugs 4, 5 for insertion into a standard power receptacle and in no way discloses equipment luminaire for recessed mounting behind the plane of a wall for illuminating a path of egress area comprising the elements claimed. Specifically, Nicholl teaches:

The power failure light 1 includes a housing 2, a light bulb 3 mounted through the housing for external illumination, a pair of prongs 4 and 5 mounted through the housing for connection of the power failure light 1 to an AC receptacle (not shown), a rechargeable battery or batteries 6 mounted within the housing 2, and a switching circuit 7 mounted in the housing for providing charging current to the battery 6 and for completing a circuit from the battery to the light bulb 3 in response to the interruption of power from a receptacle having the power failure light 1 connected thereto. Nicholl col.2, lns. 29-40.

The housing 2 is formed of high impact plastic and conveniently includes a transparent lens member 45. The lens member 45 may include frosted sides 46 for general dispersion of light and a beam forming end member 47. Alternatively, the housing may include a silvered conical or parabolic reflector member (not shown) mounted in surrounding relations to the light bulb 3 for forming a light beam therefrom. Nicholl col.5, lns 59-66.

The claim limitations in Claim 21 of the present application are as follows:

A unit equipment luminaire for recessed mounting behind the plane of a wall for illuminating a path of egress area comprising:  
a housing mounted behind an opening in the plane of the wall;

Application No.: 09/851,367  
Atty. Dkt.: ZL327-01008  
Page 14 of 19

a battery;  
a charging/emergency switching circuit electrically connected to said battery;  
a substantially semi-frustoconical reflector assembly having a wide end and an narrow end;  
a wall mount lens having a collecting reflector;  
a directional lamp mounted within said housing,  
said directional lamp being located at said reflector assembly wide end and aimed generally toward said collecting reflector, said directional lamp being electrically connected to said battery through said charging/emergency switching circuit; and  
a cover mounted over said wall opening, said cover having an opening to allow light from said collecting reflector to exit said housing.

The differences between the teachings in Nicholl and the presently claimed invention are many. Nicholl teaches a rechargeable flashlight that plugs into a wall socket and hence extends into the living space of a room. In Claim 21, we claim a housing mounted behind the opening in the plane of the wall. Nicholl teaches a lens member attached to the housing, which extends into the room from a receptacle, for general light dispersion. We claim a wall mount lens. Nicholl teaches a pair of prongs mounted through the housing for connection of the power failure light to an AC receptacle which has a transparent lens member (i.e. cover). We claim a cover mounted over a wall opening. Since the prior art references do not teach or suggest all the claim limitations, Applicants' Attorney respectfully requests that this rejection be withdrawn.

Each of the independent claims in the present application has unique characteristics that distinguish the present invention over the references cited. For instance, Examiner contends that Nicholl in view of Usher teaches the claim limitations of Claim 1. Claim 1 has been amended to claim:

A recessed unit equipment luminaire comprising:  
a housing and a cover fitting over said housing to form an interior space in said housing, said cover having an opening to allow light from a directional lamp to be directed therethrough, said cover fitting over said housing such that said recessed equipment luminaire may be mounted behind a flat surface with only said cover visible;

Application No.: 09/851,367  
Atty. Dkt.: ZL327-01008  
Page 15 of 19

a battery;  
a charging/emergency switching circuit electrically connected to said battery; and  
a reflector assembly mounted to said cover along the light path between said directional lamp and said cover opening, said reflector assembly having a reflective surface which redirects a portion of the light emitted from said directional lamp.  
said directional lamp having a light source and a reflectorized bowl,  
said directional lamp being electrically connected to said battery through said charging/emergency switching circuit.

Nicholl and Usher in contrast teach non-recessable units. The Nicholl housing unit is to be plugged into a power receptacle. (Nicholl, Claim 1). It may be unplugged and employed as a rechargeable flashlight. (Nicholl, col. 5, lines 52-54). This non-recessed light unit protrudes from the wall socket the length of the housing unit and lens member into the living space of the room or corridor where it is located. (See Nicholl illustrations). Additionally, Usher teaches a lamp being mounted along a guide track, the guide track is mounted to the wall or ceiling and the lamp protrudes into the living space. (See Usher illustrations).

As is shown, neither Nicholl nor Usher teaches, alone or in combination, a cover fitting over a housing such that a recessed equipment luminaire may be mounted behind a flat surface with only the cover being visible. Additionally, neither reference teaches having a reflector assembly mounted to a cover along the light path between the directional lamp and the cover opening. Since these cited references do not teach the claim limitations of Claim 1, Applicants Attorney respectfully requests Examiner to remove these rejections.

Independent Claim 10 has been amended to further distinguish the present invention from the prior art as shown in the following claim language:

An emergency lighting system recessed behind a flat surface for illuminating a conical shaped area comprising:

Application No.: 09/851,367  
Atty. Dkt.: ZL327-01008  
Page 16 of 19

a housing;  
a directional lamp mounted within said housing,  
said directional lamp being aimed at said conical shaped area;  
a cover having an opening to allow light from said directional lamp to be directed toward said conical shaped area mountable to said housing such that said housing may be mounted recessed behind a flat surface with said cover substantially aligned with said flat surface; and

a reflector assembly mounted within said housing along the light path between said directional lamp and said cover opening, said reflector assembly being substantially semi-frustoconical in shape oriented with a wide end proximate to said directional lamp and having a reflective surface which redirects a portion of the light emitted from said directional lamp toward said conical shaped area,

wherein said cover opening is circular, said reflector assembly is in a fixed relation with said directional lamp, and said reflector assembly further has a circular front edge which is rotatably engaged by said cover along said circular opening, whereby an alternate area may be illuminated by rotating said reflector assembly and said directional lamp with respect to said cover.

Examiner has rejected Claim 10 under 35 U.S.C. 102(b) as being anticipated by Compton and under 35 U.S.C. 103(a) and as being unpatentable over Nicholl in view of Enka and Usher. Compton teaches a rounded bollard light with an optical louver luminaire having at least three stacked reflector members.

“When used with a clear-envelope lamp, the luminaire includes a first reflector member 70 which is the frusto-conical member formed by the single continuous straight edge in FIG. 2. When a frosted or phosphor coated lamp is used, then the first reflector member includes a first frusto-conical zone 72 (which is part of the first reflector member already shown), and a second curved surface zone 71 which ends at a flat terminal plate 73 at its upper end. The second zone has a lesser included conical angle than the first zone. It provides a more appropriate distribution of doubly reflected light from coated and frosted lamps. Compton, col. 3, lines 37-48.

As in the Nicholl and Usher references, Compton does not teach an emergency lighting system recessed behind a flat surface for illuminating a conical shaped area nor many of the specific features claimed (i.e. rotatably engaged reflector assembly). Since the Compton

Application No.: 09/851,367

Atty. Dkt.: ZL327-01008

Page 17 of 19

reference does not teach every element of the claim, Applicants' Attorney respectfully requests that this rejection be withdrawn.

Enka teaches:

In FIGS. 1 and 2, 10 designates a ceiling of a hotel lobby. The ceiling 10 is provided with a honeycombed ceiling framework 12 having a large number of frame cells 14 although only one frame cell 14 is illustrated in FIGS. 1 and 2. Each frame cell 14 forms three adjacent faces of an equilateral parallelepiped, in this embodiment, cube. Over each frame cell 14 three rhomboid, square in this embodiment, ceiling wall elements 16 are secured with screws to form a ceiling wall unit 18. Enka, col. 2, lns 1-14.

"FIGS. 3-5, a generally funnel-shaped reflector 36 having five coaxial, annular shoulders 38 formed in it to circumferentially extend around it. Thus, six reflection rings 40 are formed by the shoulders 38 for reflecting light from electric sub-lamps 42, secured to a lower portion of the reflector 36" Enka, col. 2, lines 34-39.

Neither Nicholl, Usher, nor Enka teaches having an emergency lighting system recessed behind a flat surface for illuminating a conical shaped area. Enka does not ad the teachings of having a cover substantially aligned with a flat surface, a reflector assembly having a circular front edge which is rotatably engaged by the cover along a circular opening, etc. Since the combined teachings of the cited references do not teach the present invention as presently claimed, Applicants' Attorney respectfully requests that these rejections be withdrawn.

Examiner has similarly rejected the remaining independent claims (25, 26, 27, 28 and 29). Each of these claims, either original or currently amended, have structural limitations for having the emergency light system recessed behind a flat surface. Neither Nicholl, Usher, Compton, Gromotka, Enaka nor any combination of these references teach a configuration as presently claimed. For instance: Claim 25 has a housing and a separate battery box; Claim 26 claims this battery box as having flange and a wedge shaped protuberance; Claim 27 has a housing to lie in the plane of a wall or ceiling, a

Application No.: 09/851,367

Atty. Dkt.: ZL327-01008

Page 18 of 19

thickness gauge (a bend in a wireform does not teach the thickness gauge claimed herein) and removable tabs; Claim 28 claims a shallow rectangular housing having an opening where a battery box, also having an opening, is attached; and Claim 29 claims a first and a second rotatable mounted reflector assemblies. None of these limitations are taught by the references cited by the Examiner. Since any combination of the cited references do not teach the limitations in each of these independent claims, Applicants' Attorney respectfully requests Examiner remove said rejections. Additionally, the dependant claims (3-9, 11-14, 22-24, and 31-38) each depend from one of these independent claims and have the limitations of that independent claim from which it depends. Since the references cited by the Examiner do not teach the limitations set forth in the independent claims, Applicants' Attorney respectfully requests Examiner remove the rejections of these dependant claims as well.

Application No.: 09/851,367  
Atty. Dkt.: ZL327-01008  
Page 19 of 19

**Conclusion**

Applicants' Attorney asserts that the instant application is in condition for allowance.  
Applicants' Attorney therefore respectfully requests that the Examiner allow the pending claims.  
However, if the Examiner believes there are other unresolved issues in this case, Applicants' Attorney of record would appreciate a call at (502) 625-2714.

Respectfully submitted,

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